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From: Fox, Peg [<mailto:PFox@MCNAIR.NET>]**Sent:** Friday, December 12, 2014 2:11 PM**To:** Minges, Josh; bmaybank@nexsenpruet.com; Rourke, James P. (JRourke@nexsenpruet.com);Bateman, Andrew; Hudson, Shannon; cesar.caballero@windstream.com**Subject:** RE: Proposed Hearing Examiner Order Granting Talk America's Application

Josh,

We have reviewed the proposed order on behalf of the SCTC and it looks fine. We have one suggestion regarding language at the bottom of page 2, which is a narrative summary of the SCTC stipulation. That language is as follows:

In part, the Stipulation states that SCTC does not oppose granting a Certificate of Public Convenience and Necessity authorizing TAS to only provide service to customers located in non-rural local exchange service areas. Additionally, the Stipulation requires TAS to provide the Commission and a rural incumbent local exchange carrier ("LEC") with thirty (30) days written notice if it intends to serve a customer located in a rural incumbent LEC's service territory. Further, TAS acknowledges that it shall not provide such service without Commission approval.

We believe the language is unnecessary, and it may be best to let the stipulation speak for itself. However, if you would like to include some language, we recommend something like the following, which is similar to language that has appeared in other CLEC orders – e.g., most recently Order No. 2014-858 in re ANPI -- and more closely tracks the actual language of the stipulation:

In part, the Stipulation provides that TAS will seek authority only in non-rural local exchange carrier ("LEC") service areas of South Carolina and will not provide any local service to any customer located in a rural incumbent's service area, unless and until TAS provides written notice of its intent prior to the date of the intended service. TAS also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

Please let me know if you have any questions or need anything further.

Peg

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